

In The Court Of Appeal Of The State Of California 14  
Sixth Appellate District  
San Jose, California

MONDAY, JANUARY 25, 1999

H017467 PEOPLE v. YOUNG

By the Court\*:

Appellant's petition for rehearing is denied.

Dated: January 25, 1999 Cottle, P. J.

\*Before Cottle, P. J., Premo, J. and Elia, J.

H017517 PEOPLE v. CABELLO

The judgment is affirmed. (not published)

(Elia, J.; We concur: Cottle, P. J., Premo, J.)

Filed January 25, 1999

H017996 IN RE RENE G., A MINOR

The enhancement for personal use under section 12022, subdivision (b)(1) is stricken. (People v. Summerville (1995) 34 Cal.App.4th 1062, 1070.) As so modified, the jurisdictional and dispositional orders are affirmed. (not published)

(Cottle, P. J.; We concur: Premo, J., Elia, J.)

Filed January 25, 1999

H017550 PEOPLE v. RUBEN G.

The judgment is affirmed. (not published)

(Elia, J.; We concur: Cottle, P. J., Premo, J.)

Filed January 25, 1999

H018178 PEOPLE v. CROOKHAM

The judgment is affirmed. (not published)

(Elia, J.; We concur: Cottle, P. J., Premo, J.)

Filed January 25, 1999

TUESDAY, JANUARY 26, 1999

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J., Mihara, J.; and W. Magsaysay, Deputy Clerk.

H015994 PEOPLE v. GARCIA

Cause called and argued by Stephen Matchett appearing for appellant and by Aileen Bunney, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017270 PEOPLE v. ESTEP

Cause called and argued by Alex Green appearing for appellant and by Donna B. Chew, Deputy Attorney General,

In The Court Of Appeal Of The State Of California 15  
Sixth Appellate District  
San Jose, California

appearing for respondent. Cause ordered submitted.

Tuesday, January 26, 1999 (continued)

H016386 PEOPLE v. MUNOZ

Cause called and argued by Deborah Schulte appearing for appellant and by Donna B. Chew, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H018110 ISON v. BARBIC, et al.

Cause called and argued by Martin Bishop appearing for appellant and by Stephen R. Oliver appearing for respondents. Court requests both counsel to submit simultaneous letter briefs addressing certain issues. Said letter briefs which shall not exceed 5 pages in length shall be filed on or before February 2, 1999. Cause shall be submitted upon filing of said letter briefs.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J., Mihara, J.; and W. Magsaysay, Deputy Clerk.

H017666 VANCIL v. BROWN, et al.

Cause called and argued by Allen H. Fleishman appearing for appellant and by Thomas E. Still appearing for respondent. Cause ordered submitted.

H017551 ALMOGELA, et al. v. MORRIS, et al.

Cause called and argued by Eugene Flemate appearing for appellants and by Mitchell J. Alward appearing for respondents. Cause ordered submitted.

H016539 MERRILL LYNCH PRIVATE CAPITAL, INC. v. BUSHNELL, et al.

H017280 MERRILL LYNCH PRIVATE CAPITAL, INC. v. BUSHNELL, et al.

Cause called and argued by Tony J. Tanke appearing for appellants and by Sanford Asher appearing for respondent. Cause ordered submitted.

H016310 FORESTA v. COCHRAN

Cause called and argued by appellant appearing in propria persona and by Cecelia Soboleski appearing for respondent. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

H018059 PEOPLE v. AMATO

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Cottle, P. J., Premo, J.)  
Filed January 26, 1999

Tuesday, January 26, 1999 (continued)

H018740 PEOPLE v. RODRIGUEZ

Counsel's motion to withdraw, which was deferred pending consideration of the merits of this appeal, is granted. The judgment is affirmed. (not published)  
(Elia, J.; We concur: Cottle, P. J., Premo, J.)  
Filed January 26, 1999

H017889 PERRROTTA, et al. v. FIRTH

The judgment is reversed since it was rendered without jurisdiction. The order re defendant's motion for attorney fees, etc. is reversed. The trial court is directed to enter an order denying the motion for attorney fees but awarding costs of \$2,751.87. Costs on appeal are awarded to plaintiffs. (not published)  
(Premo, J.; We concur: Cottle, P. J., Elia, J.)  
Filed January 26, 1999

H018165 PEOPLE v. FERNANDEZ

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J., Wunderlich, J.)  
Filed January 26, 1999

WEDNESDAY, JANUARY 27, 1999

H017780 PEOPLE v. GONZALEZ

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Cottle, P. J., Premo, J.)  
Filed January 27, 1999

H018635 IN RE JESSICA M., A MINOR

By the Court\*:

Appellant's petition for rehearing is denied.  
Dated: January 29, 1999 Bamattre-Manoukian, Acting P. J.  
\*Before Bamattre-Manoukian, Acting P. J., Wunderlich, J. and Mihara, J.

H016437 PEOPLE v. PIERCE, et al.

By the Court\*:

Sixth Appellate District

San Jose, California

Appellant's petition for rehearing is denied.  
Dated: January 29, 1999 Cottle, P. J.  
\*Before Cottle, P. J., Bamattre-Manoukian, J. and Mihara, J.

THURSDAY, JANUARY 28, 1999

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and Jane Varize, Deputy Clerk.

H018530 PEOPLE v. SUPERIOR COURT OF SANTA CLARA COUNTY; HOWARD  
Cause called and argued by Dana Overstreet appearing for petitioner and by Stefan Kennedy appearing for real party in interest.

H019378 IN RE JACOB H., A MINOR  
Cause called and argued by Jan Burland appearing for appellant, and by Constance Carpenter appearing for respondent, and by Robert Masterson, appearing for respondent minor. Cause ordered submitted.

H018420 RUCKER v. RUCKER  
Cause called and argued by respondent Billie Rucker appearing in pro per. No appearance made by appellant Harold Rucker. Cause ordered and submitted. Court recesses until 1:30 p.m.

H018270 OAKLAND RAIDERS v. NATIONAL FOOTBALL LEAGUE, et al.  
The order re petition to compel arbitration and motion to stay action is affirmed. (published)  
(Premo, J.; We concur: Cottle, P. J., Elia, J.)  
Filed January 28, 1999

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J., Mihara, J.; and Nancy M. Olea, Deputy Clerk.

H018153 REBER v. REDEVELOPMENT AGENCY OF SANTA CRUZ  
Michael Atherton, attorney for appellants and Anthony Condotta, attorney for respondents, agree to submit without comment. Cause ordered submitted

H018163 PEOPLE v. TOBIAS  
Cause called and argued by Janet Gaard, Deputy Attorney

Sixth Appellate District

San Jose, California

General, appearing for appellant and by Chris Redburn appearing for respondent. Cause ordered submitted.

Thursday, January 28, 1999 (continued)

H016872 PEOPLE v. SUTHERLAND

Cause called and argued by Andrew Parnes appearing for appellant and by Allan Yannow, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017971 PAGTER, et al. v. FIRST ALLIANCE MORTGAGE CO., et al.

Cause called and argued by Paul Hall appearing for appellants and by Phillip Steinbock appearing for respondents. Cause ordered submitted.

Court adjourns.

H017950 PEOPLE v. MCKINLEY STOKES

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P. J.,  
Wunderlich, J.)  
Filed January 28, 1999

H017151 SAN FRANCISCO PRINTING CO., INC., et al. v. DAVID EURIA  
BRAZIL, et al.; SCOTTSDALE INSURANCE COMPANY

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P. J.,  
Mihara, J.)  
Filed January 28, 1999

H017816 PEOPLE v. MARTINEZ

The June 3, 1997, order revoking defendant's probation is reversed. The December 10, 1997, order reinstating defendant's probation and extending it to June 5, 2002, is reversed. The trial court is directed to discharge defendant from probation. (Premo, J.; We concur: Cottle, P. J., Elia, J.)  
Filed January 28, 1999

H018880 IN RE VIRIDIANA L., A MINOR

The orders terminating parental rights and placing the child for adoption are affirmed (not published)  
(Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J.,  
Mihara, J.)  
Filed January 28, 1999

In The Court Of Appeal Of The State Of California 19  
Sixth Appellate District  
San Jose, California

FRIDAY, JANUARY 29, 1999

H017911 PEOPLE v. HESTER

The judgment is hereby modified to reflect that the concurrent term imposed for the felony assault is stayed pursuant to Penal Code section 654. The trial court is ordered to file an amended abstract of judgment reflecting this modification and forward a certified copy of the amended abstract to the Department of Corrections. The modified judgment is affirmed. The petition for writ of habeas corpus is denied as moot. (published)

(Mihara, J.; I concur: Wunderlich, J. Dissenting opinion by Bamattre-Manoukian, Acting P.J.)

Filed January 29, 1999

H019378 SANTA CLARA COUNTY DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES v. HEIDI H.

Let a writ of supersedeas issue as prayed for. The temporary stay order previously issued will remain in effect until this decision becomes final, at which time it will terminate without further order of this court. (not published) (Bamattre-Manoukian, Acting P. J.; We concur: Wunderlich, J., Mihara, J.)

Filed January 29, 1999

H012195 PEOPLE v. MENDOZA, et al.

The judgment against Valdez is reversed and remanded solely for resentencing. Upon remand, the trial court shall (1) exercise its discretion with respect to whether to strike the one-year Penal Code section 12022, subdivision (a)(1), arming enhancement term attached to the murder count or impose that term consecutively, (2) strike the Penal Code section 12022, subdivision (a)(1) arming enhancement attached to the shooting at an occupied building count since arming is an element of the substantive offense, (3) stay, pursuant to Penal Code section 654, the concurrent term imposed for the shooting at an occupied building count, and (4) state reasons for its decision to commit Valdez to state prison. The trial court is ordered to thereafter file an amended abstract of judgment and forward a certified copy of the amended abstract to the Department of Corrections. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J. Concurring opinion by Mihara, J.)

Filed January 29, 1999

In The Court Of Appeal Of The State Of California      20  
Sixth Appellate District  
San Jose, California

Friday, January 29, 1999 (continued)

H018101    PEOPLE v. LANSING

    The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P. J.,  
Mihara, J.)  
Filed January 29, 1999

H018202    PEOPLE v. JUAREZ

    The judgment is affirmed. (not published)  
(Premo, J.; We concur: Cottle, P. J., Elia, J.)  
Filed January 29, 1999